

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

DOYLE DYER

PLAINTIFF

v.

CIVIL NO. 2:15-cv-2099-MEF

CAROLYN COLVIN, Commissioner
Social Security Administration

DEFENDANT

MEMORANDUM OPINION

Plaintiff, Doyle Dyer, filed this action on May 20, 2015, seeking judicial review of a decision of the Commissioner of Social Security (Commissioner) pursuant to 42 U.S.C. § 405(g). ECF No. 1. On August 6, 2015, in lieu of an answer, the Defendant filed an Unopposed Motion to Remand pursuant to sentence six of 42 U.S.C. § 405(g). ECF. No. 7, 8.

On April 12, 2010, Plaintiff filed an application for disability benefits (“DIB”) pursuant to Title II of the Social Security Act, alleging disability since July 3, 2009. An Administrative Law Judge (“ALJ”) issued an unfavorable decision on August 2, 2011. While the appeal was pending before this court, the Plaintiff filed a subsequent application for both DIB and supplemental security income (“SSI”) benefits on February 26, 2013. On January 13, 2014, this court entered an Order remanding his DIB application for further consideration. On March 31, 2014, the Appeals Council issued an order remanding the case and directing the ALJ to consolidate the April 2010 application for DIB with the February 26, 2013, applications for DIB and SSI. On February 24, 2015, the ALJ entered an unfavorable decision finding the Plaintiff not entitled to DIB benefits; however, he failed to adjudicate the SSI claim. Accordingly, the Defendant now seeks remand to allow the ALJ to consolidate the claims and enter a decision adjudicating all of the Plaintiff’s claims.

This court may remand a social security case pursuant to sentence six of 42 U.S.C. § 405(g) when the Commissioner, for good cause, requests remand to take further administrative action before filing an answer to the complaint. 42 U.S.C. § 405(g); *Shalala v. Schaefer*, 509 U.S. 292, 113 S.Ct. 2625 (1993). In the present case, the Defendant has not yet filed an answer, and we find good cause exists to support her request for remand.

Based on the foregoing, we hereby grant the Defendant's motion and remand this case to the Commissioner for further administrative action pursuant to sentence six of 42 U.S.C. § 405(g). In view of the lengthy administrative proceedings Plaintiff has already completed, we direct that the Defendant expedite the administrative proceedings on remand.

DATED this 13th day of August, 2015.

/s/ Mark E. Ford

HON. MARK E. FORD

UNITED STATES MAGISTRATE JUDGE